

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 951102- Z

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: 4.90 ACRE TRACT OF LAND OUT OF THE L. C. CUNNINGHAM SURVEY NO. 68, FROM "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: 9.39 ACRE TRACT OF LAND OUT OF THE L. C. CUNNINGHAM SURVEY NO. 68, FROM "CS-CO" GENERAL COMMERCIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "CS-CO" GENERAL COMMERCIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 1108-1124, AND 1200-1218 WEST DESSAU ROAD [EVEN NUMBERS ONLY], AS MORE PARTICULARLY IDENTIFIED IN THE MAP ATTACHED AS "EXHIBIT C" TO THIS ORDINANCE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5 AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-95-0112, as follows:

Tract 1: From "GR-CO" Community Commercial district-Conditional Overlay combining district to "GR-CO" Community Commercial district-Conditional Overlay combining district.

4.90 acre tract of land out of the L. C. Cunningham Survey No. 68, said 4.90 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

Tract 2: From "CS-CO" General Commercial Services district-Conditional Overlay combining district to "CS-CO" General Commercial Services district-Conditional Overlay combining district.

9.39 acre tract of land out of the L. C. Cunningham Survey No. 68, said 9.39 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

*[hereinafter referred to as the "Property"]*

locally known as 1108-1124, and 1200-1218 West Dessau Road [EVEN NUMBERS ONLY], as more particularly identified in the map attached as "Exhibit C" to this ordinance, in the City of Austin, Travis County, Texas.

PART 2. That the Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Development of the Property, or any portion of the Property, as Food sales use shall not exceed a maximum of 2,400 square feet of gross floor area.

## CITY OF AUSTIN, TEXAS

2. The following uses of the Property shall be prohibited: (a) uses classified as adult oriented businesses as defined in Section 13-2-265 of the Land Development Code,
  - (b) Restaurant (general),
  - (c) Restaurant (limited),
  - (d) Restaurant (drive-in, fast food),
  - (e) Administrative and business offices,
  - (f) Medical offices,
  - (g) Professional office, and,
  - (h) Automotive sales.
3. Development of the Property shall be restricted to a maximum floor to area ratio of 0.10 to 1.
4. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, shall be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

Except as specifically restricted by this ordinance, the Property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

**PART 3.** That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

**PART 4.** That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

**PART 5.** That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

November 2, 1995

www.ck12.org

Brent D. Hall

**Bruce Todd**  
Mayor

APPROVED:

Andrew Martin

**Andrew Martin**  
City Attorney

**ATTEST:**

James E. Aldridge  
City Clerk

**James E. Aldridge**  
City Clerk

2Nov95  
ME/jj

## METES AND BOUNDS DESCRIPTION

BEING A 200 FOOT WIDE STRIP OF LAND OUT OF A 20.00 ACRE TRACT OF LAND OUT OF THE L. C. CUNNINGHAM SURVEY NO. 68 IN TRAVIS COUNTY, TEXAS, AS CONVEYED TO I35-DESSAU ROAD JOINT VENTURE IN VOLUME 11877, PAGE 725 OF THE TRAVIS COUNTY REAL PROPERTY RECORDS, AND BEING A PORTION OF LOTS 1, 2, 3, 4 AND 5 OF ROUTE SUBDIVISION, AN UNRECORDED SUBDIVISION IN TRAVIS COUNTY, TEXAS, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an 5/8" iron pipe found in the north r.o.w. line of West Dessau Road at the southeast corner of said 20.00 acre tract of land, for the southeast corner and PLACE OF BEGINNING hereof;

THENCE with the north r.o.w. line of West Dessau Road, the following two (2) calls:

N 60° 04' 30" W 511.96 feet to a 1/2" rebar found for an angle point;

N 60° 05' 14" W 293.35 feet to a point at the intersection of the north r.o.w. line of West Dessau with the east r.o.w. line of I. H. 35 for the southwest corner hereof.

THENCE with the east r.o.w. line of I. H. 35, N 09° 57' 08" E 418.83 feet to a 5/8" rebar found at a northwest corner of said 20.00 acre tract of land, being also the southwest corner of Fountain of Life, a subdivision in Travis County, Texas, as recorded in Book 6, Page 180B, for a northwest corner hereof;

THENCE with the north line of said 20.00 acre tract of land, being also the north line of said Lot 2 of Route Subdivision, S 70° 26' 51" E 202.84 feet to a point for the most northerly northeast corner hereof;

THENCE S 09° 57' 08" W 244.86 feet to a point for an inside corner hereof;

THENCE S 60° 05' 14" E 153.23 feet to a point for an angle point;

THENCE S 60° 04' 30" E 512.52 feet to a point in the east line of said 20.00 acre tract of land, also the east line of said Lot 5, and being in the west line of a tract of land conveyed to Texas Commerce Bank Austin in Volume 10788, Page 2200, for the most easterly northeast corner hereof;

TRACT 1

THENCE with the east line of said Lot 5, being also the east line of said 20.00 acre tract of land, and being the west line of said Texas Commerce Bank Austin tract of land, the following two (2) calls:

S 29° 31' 08" W 32.36 feet to a 5/8" rebar found for an angle point;

S 30° 11' 15" W 167.64 feet to the PLACE OF BEGINNING and containing 4.90 acres of land, more or less.

PREPARED BY:  
RALPH HARRIS SURVEYOR INC.  
1406 HETHER  
AUSTIN, TEXAS 78704

*James M. Grant*  
JAMES M. GRANT  
R.P.L.S. NO. 1929

MAY 10, 1993

PB:2B:LAYNE



## METES AND BOUNDS DESCRIPTION

BEING PART OF THE L.C. CUNNINGHAM SURVEY NO. 68 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 20.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO 135-DESSAU ROAD JOINT VENTURE, RECORDED IN VOLUME 11877, PAGE 725 OF THE TRAVIS COUNTY REAL PROPERTY RECORDS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING for a Reference at a 5/8" iron pipe found in the north r.o.w. line of West Dessau Road at the southeast corner of the above described 20.00 acre tract of land.

THENCE, with the east line of said 20.00 acre tract of land the following 2 courses:

N 30° 11' 15" E, 167.64 feet to a 1/2" rebar found;

N 29° 31' 08" E, 32.36 feet to the southeast corner and PLACE OF BEGINNING hereof;

THENCE, N 60° 04' 30" W, 512.52 feet to an angle point;

THENCE, N 60° 05' 14" W, 153.23 feet to the most southerly southwest corner hereof;

THENCE, N 09° 57' 08" E, 244.86 feet to the most westerly southwest corner hereof;

THENCE, with the southerly and westerly lines hereof, the following 6 courses:

S 70° 26' 51" E, 337.22 feet to a concrete monument found;

N 29° 33' 26" E, 30.08 feet to a concrete monument found;

S 64° 35' 04" E, 90.67 feet to a concrete monument found;

N 25° 24' 56" E, 238.00 feet to a PK nail found in concrete;

N 64° 35' 04" W, 73.44 feet to a concrete monument found;

N 29° 33' 26" E, 253.97 feet to a 1/2" rebar set for the northwest corner hereof;

THENCE, with the common line between Travis County and the City of Austin Limited Purpose City Limit Line, S 68° 54' 46" E, 420.08 feet to the northeast corner hereof;

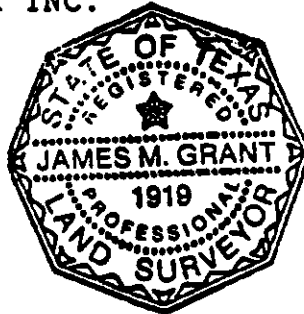
THENCE, with the common line between said 20.00 acre tract of land and that certain tract of land described in a deed to Texas Commerce Bank, Austin, recorded in Volume 10788, Page 2200, of the Travis County Real Property Records, the following 2 courses:

S 29° 47' 54" W, 57.74 feet to a 1/2" rebar found;

S 29° 31' 08" W, 820.30 feet to the PLACE OF BEGINNING and containing 9.39 acres of land, more or less.

AS PREPARED BY:  
RALPH HARRIS SURVEYOR INC.  
1406 HETHER  
AUSTIN, TEXAS 78704

*James M. Grant*  
JAMES M. GRANT  
R.P.L.S. NO. 1919  
MAY 10, 1993  
PB:B:2:ROUTE MB

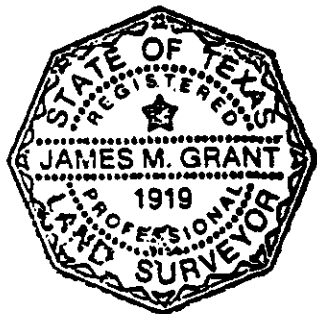


NOTE: See Survey map prepared May 10, 1993, to accompany this metes and bounds.

# SKETCH TO ACCOMPANY METES AND BOUNDS DESCRIPTION

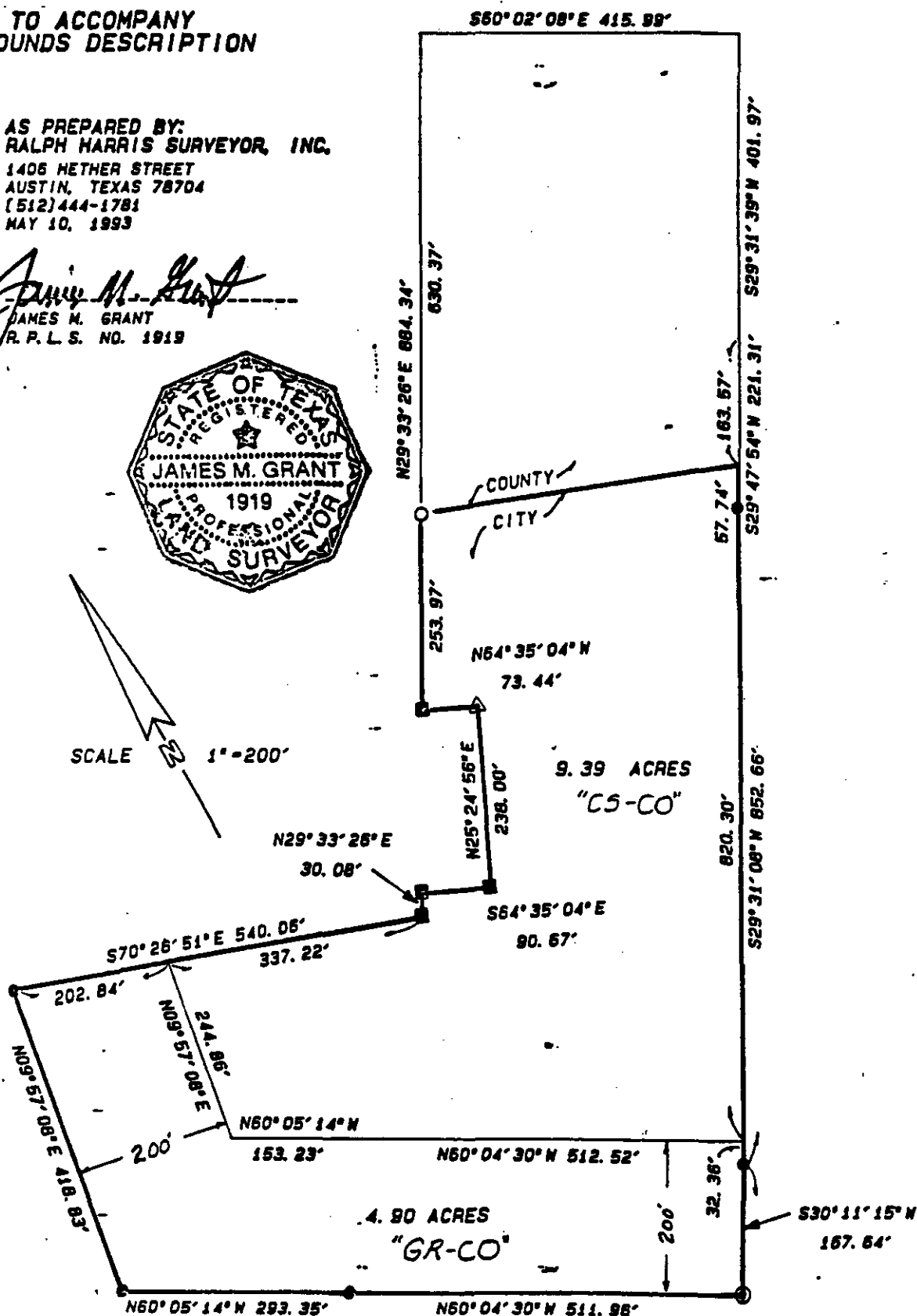
AS PREPARED BY:  
RALPH HARRIS SURVEYOR, INC.  
1406 HETHER STREET  
AUSTIN, TEXAS 78704  
(512) 444-1781  
MAY 10, 1993

*James M. Grant*  
JAMES M. GRANT  
R. P. L. S. NO. 1919

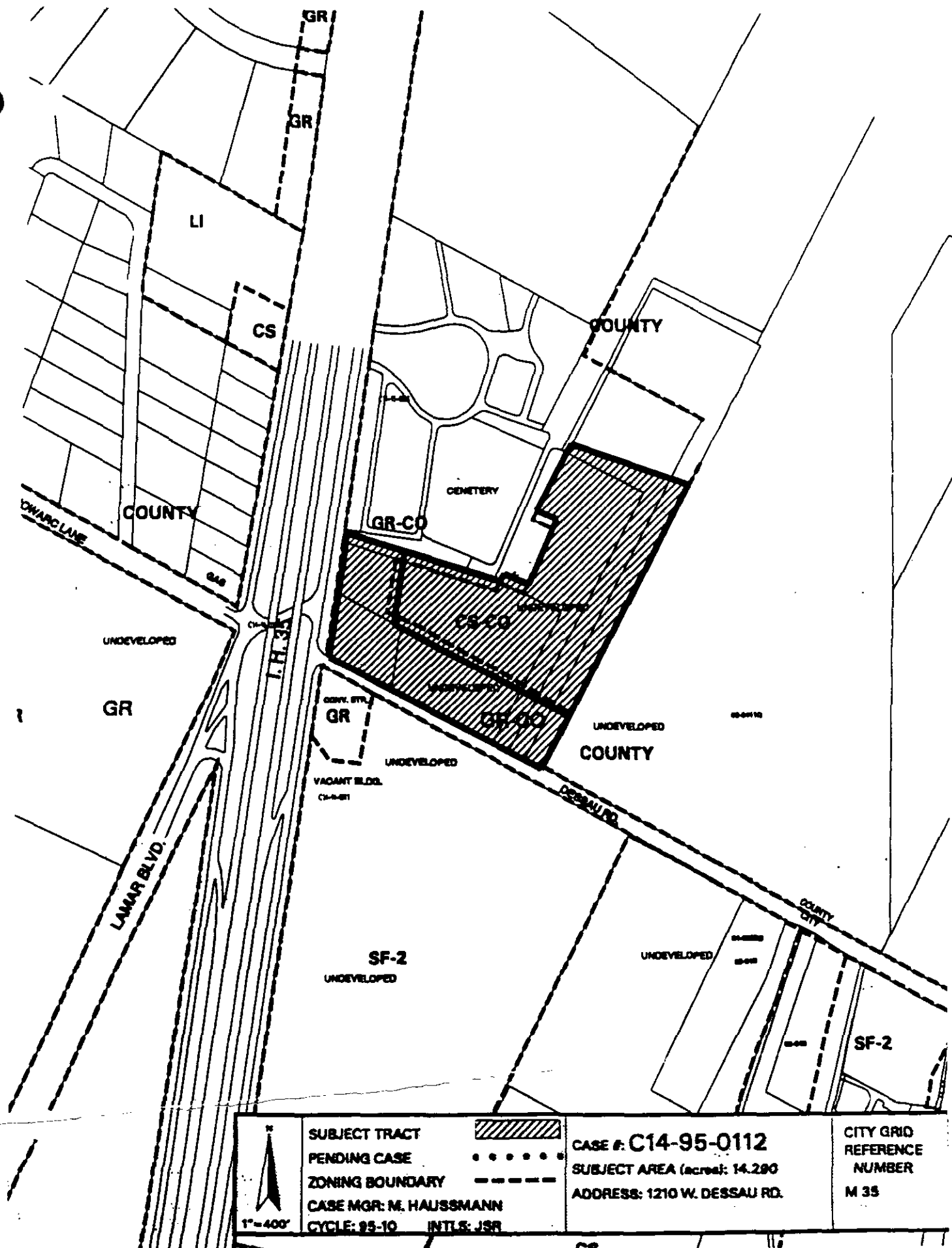



SCALE 1" = 200'

I. H. 35



WEST DESSAU ROAD



 1" = 400'	<p><b>SUBJECT TRACT</b></p> <p><b>PENDING CASE</b></p> <p><b>ZONING BOUNDARY</b></p> <p><b>CASE MGR: M. HAUSSMANN</b></p> <p><b>CYCLE: 95-10 INTLS: JSR</b></p>	<p><b>CASE #: C14-95-0112</b></p> <p><b>SUBJECT AREA (acres): 14.290</b></p> <p><b>ADDRESS: 1210 W. DESSAU RD.</b></p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p><b>M 35</b></p>
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"Exhibit C"



PO#: 951102-Z

Ad ID#: B9QZ01800

Acct #: 4992499

**Austin American-Statesman**

Acct. Name: City Clerk

**AFFIDAVIT OF PUBLICATION**

THE STATE OF TEXAS  
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Sharon Janak

Classified Advertising Agent of the *Austin American-Statesman*, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

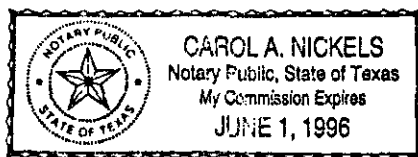
Date (s): November 10th, 1995

Class: 9980 Lines: 37 Cost: \$82.88

and that the attached is a true copy of said advertisement.

Sharon Janak

SWORN AND SUBSCRIBED TO BEFORE ME, this the 10th day of Nov 1995.



Carol A. Nickels

Notary Public in and for  
TRAVIS COUNTY, TEXAS

Carol A. Nickels  
(Type or Print Name of Notary)

My Commission Expires: 6/1/96

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THE REQUIREMENTS OF SECTIONS 2-  
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ING AN EFFECTIVE DATE.  
MAYOR BRUCE TODD  
AUSTIN, TEXAS